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FAX TRANSMITTAL COVER SHEET

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PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:

NAME: Mail Stop: Petition
United States Patent and Trademark Office

FAX: (703) 872-9306

FROM: Rodney B. Carroll

DATE: January 19, 2005

RE: U.S. Patent Application Serial No. 09/888,031
Filing Date: June 25, 2001
Atty Docket: 4001-00800
Petition Under CFR §1.182 (2 pages)
Fee Transmittal (1 page)

Total Number of Pages (Including Cover Page): 4

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Atty Docket No 4001-00800

Patent

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Kenneth Tarbet	§	
Serial No.:	09/888,031	§	Group Art Unit: 3621
Filed:	June 25, 2001	§	Examiner: N/A
For:	Customer Preferred Product Sales	§	Confirmation No.: 7507

Mail Stop: Petition
Attn.: Office of Petition
Commissioner For Patents
PO Box 1450
Alexandria VA 22313-1450

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 to facsimile number 703-872-9306 on 1-19-2005.

Edith S. Shek
Edith S. Shek

PETITION UNDER CFR § 1.182

Dear Sir:

Applicant filed the above-identified patent application on June 25, 2001 and established the "Small Entity" status. A Notice of Abandonment was issued on February 2, 2004 due to the non-receipt of a response to file corrected application paper and a Petition was filed on February 25, 2004 for Revival of an Application for Patent Abandoned Unintentionally with the payment of the Petition Fee of \$1,330.00 without claiming the small entity status. The Petition was granted March 12, 2004.

Applicant subsequently requested a \$665 refund of the overpayment in the Petition Fee as a large entity to be credited to Deposit Account 50-1515, Conley Rose, P.C. under 37 CFR §1.27(g)(1) and MPEP 509.03 (VII). However, the entire Petition Fee of \$1,330.00 was credited to such Deposit Account.

Atty Docket No 4001-00800

Patent

Since the Office has refunded the full amount of the Petition Fee, Applicant respectfully submits the enclosed Fee Transmittal in payment of the Small Entity Petition Fee for the already granted Petition to Revoke Unintentionally Abandoned Application in the above-identified patent application. Furthermore, given that this refund error was made by the USPTO, Applicant respectfully requests that the \$400.00 fee for this §1.182 petition be waived or refunded to Deposit Account 50-1515, Conley Rose, P.C.

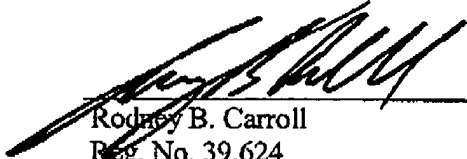
Respectfully submitted,

CONLEY ROSE, P.C.

Date:

1-19-05

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(972) 731-2288


Rodney B. Carroll
Reg. No. 39,624

ATTORNEY FOR APPLICANT

PTO/SB/17 (12-04)

Approved for use through 07/31/2008. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known Application Number 09/888,031 Filing Date June 25, 2001 First Named Inventor Kenneth Tarbet Examiner Name N/A Art Unit 3621 Attorney Docket No. 4001-00800	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT (\$ 1,150.00)			

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 50-1515 Deposit Account Name: Conley Rose, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP = _____ x 50.00 = 0.00
 HP = highest number of total claims paid for, if greater than 20
Indep. Claims - 3 or HP = 0 x 200.00 = 0.00
 HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims
 Fee (\$) _____ Fee Paid (\$) _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	<u>0</u>	<u>0</u> (round up to a whole number)	<u>0</u>	<u>0.00</u>

4. OTHER FEE(S)

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	0.00
Other: Small Entity Petition to revive (\$750); CFR 1.17(f) Petition Fee (\$400)	1,150.00

SUBMITTED BY

Signature	Registration No. 39,624	Telephone (972) 731-2288
Name (Print/Type) Rodney B. Carroll	Date 1-19-05	

This collection of information is required by 37 CFR 1.125. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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